

Appl. No. : **09/892,900**
Filed : **June 26, 2001**

AMENDMENTS TO THE DRAWINGS

Please enter the replacement drawing sheets filed herewith, which include the following amendments to the drawings.

Figure 58 has been amended to correct the location of the data points of Table II with respect to the Y-axis (Output Fluid Pressure). Figure 58 has also been amended to correct the spelling of "VOLUME" in the title of the X-axis.

Figure 59 has been amended to correct the location of the data points determined by the data of Table II with respect to the Y-axis (% Change in Output Fluid Pressure).

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REMARKS

In response to the Office Action dated November 15, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 14, 17 and 30 remain pending. Claim 14 has been amended. Claims 15, 16, 19 23, 24, 33 and 36-39 have been canceled, without prejudice or disclaimer. New Claims 40-42 have been added.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined or enclosed in [[double brackets]].

The Graphical Drawings And Specification Have Been Amended

In the outstanding Office Action, Figures 56-59 are objected to by the Examiner because the graphs do not appear to be accurate plots of the data in Tables I and II of the specification. The Applicants have amended Figures 58 and 59 to better reflect the data points of the relevant table, as described above in the Amendments to the Drawings section. Furthermore, as set forth above, paragraph [0248] has been amended to correct an apparent error in the specification as filed. In particular, the output fluid pressure data point for the 47.5 cc's of volume expelled has been changed from "9.0" to "4.0." It is respectfully submitted, given the data points of Figure 56, as well as the trend of the remaining data points in Table I, it is clear that the amended data point was an inadvertent typo in the original specification and that one of ordinary skill would recognize the correct data point, which falls between the adjacent data points. Thus, it is submitted that the amendment to paragraph [0248] is supported by the original application.

The Rejections Under 35 U.S.C. § 112 Are Moot

Claims 14-17, 19, 23-24, 30, 33 and 36-39 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. While Applicants expressly disagree with the Examiner's position regarding one or more of these claims, with the exception of Claims 14, 17 and 30, these claims have been canceled. With respect to Claims 14, 17 and 30, the offending language identified by the Examiner has been canceled from the claims. Accordingly, the rejections under 35 U.S.C. § 112, first paragraph are now moot.

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Claim Language Interpretation

The Examiner has indicated that certain claim terms are interpreted in accordance with their common definition. The Examiner then indicates that the common definition is equivalent to the dictionary definition of those terms. The Applicants respectfully disagree to the extent that the any claim terms are interpreted differently than the term would be interpreted by one of skill in the art, or as specifically defined within the specification. That is, the common definition of a term as would be understood by one of skill in the art is not necessarily identical to the dictionary definition of the same term.

Claims 14, 17 and 30 Are Allowable Over Elson

Claims 14, 17 and 30 presently stand rejected under 35 U.S.C. § 102(b) or (e) as being anticipated by Elson. Applicants respectfully submit that these claims, as amended, are allowable over the Elson reference and the other prior art of record.

The Elson reference discloses a fluid delivery system that includes one of a plurality of spring designs intended to provide a constant force to a piston. For example, the spring may be cut from a single piece of spring steel or molded from a stiff plastic material, the spring may have a varying thickness along its width, or the spring may be formed to two different materials with the ratio of the materials changing along the length of the spring.

In contrast, Claim 14, as amended herein, recites an infusion pump including, among other features, a first shell, a second shell and a platen. A rod is positioned between the platen and the second shell. First and second blocks slide along the rod. First and second parallel linkages are positioned on opposite sides of the first and second blocks. The linkages are rotatably coupled to the platen, the second shell, the first block and the second block. A first spring applies a force to the first block and a second spring applies a force to the second block. The first and second springs tend to move the first and second blocks toward one another to bias the platen in a first direction to decrease a volume of a space between the platen and a surface of the first shell. Furthermore, the platen and the interior surface of the first shell have non-planar complementary surfaces.

As discussed in detail in the present specification, the parallel linkages working in cooperation with the springs advantageously maintain a substantially consistent force output

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throughout the dispensation cycle of the infusion pump. Moreover, the non-planar complementary surfaces acting on the fluid bag facilitate the pump in maintaining a consistent output flow rate over the dispensation cycle. The Elson reference does not disclose or suggest an infusion pump including the features recited above. Accordingly, for at least these reasons, Claim 14 is allowable over the Elson reference. Furthermore, the prior art of record, alone or in combination, does not disclose such an infusion pump. For at least these reasons, Applicants respectfully submit that Claim 14 is in condition for allowance.

Claims 17 and 30 are allowable, not only because they depend from an allowable claim, but upon their own merit as well. Accordingly, reconsideration and allowance of Claims 17 and 30 are respectfully requested.

New Claims 40-42 Have Been Added

New Claims 40-42 have been added. These claims are fully supported by the application as filed and read on the elected species. These claims are allowable not only because they depend from an allowable claim, but upon their own merit as well. Consideration and allowance of new Claims 40-42 is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: MAY 11, 2007

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